

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

March 31, 2011

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: **Councilor Tim Carpenter (W1)**

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on March 24, 2011 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Case; Seconded by Councilor Tiffer

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 30, 2011 in the amount of **\$ 235,760.11** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Case

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of March 24– March 30, 2011
- Report from the Building Inspector's Office from January 21 – March 28, 2011
- Report from the Parking Violations Bureau for December 2010
- Report from the Parking Violations Bureau for January 2011
- Report from the Parking Violations Bureau for February 2011

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Tiffer

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$363,030.01 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Jackson
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign the Training Director Agreement with Dan Collins.

By Councilor Case; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves City Engineer to advertise for bids for Contract # 2011-04, "Boynton Avenue Improvements."

By Councilor Tiffer; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Manager MLD to write-off unpaid final bills from January 1, 2010 to January 31, 2010 in the total amount of \$6,270.05. The percentage of write-offs for this period is .29%.

By Councilor Jackson; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves City Chamberlain to create capital project H3410.36 “2011 Public Service Building Improvements” to complete the work detailed in the Public Service Building section of the 2011 Capital Expenditure Budget.

By Councilor Rabideau; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves City Chamberlain to create capital project H5110.33 “2011 General Street Resurfacing” to complete the work detailed in the Street Resurfacing & Improvements section of the 2011 Capital Expenditure Budget.

By Councilor Tiffer; Seconded by Councilor Rabideau
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves City Engineer to advertise for bids for Contract # 2011-06 “Construction of Eco Dock at Dock Street Landing” and Contract #2011-07 “Construction of Eco Dock at Wilcox Dock (Park).”

By Councilor Tiffer; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted
Follow up Action: None

G. RESOLUTION – Common Council Audit Committee

1. The intent and purpose of this resolution is to define the composition, function and duties of the auditing committee of the Common Council.
2. The auditing committee shall be composed of any three members of the Common Council, including the Mayor as a member thereof. Members who act as an auditing committee are not

- required to be appointed or confirmed and such committee shall be deemed to consist of the three members who sign claim forms or tabulations of claims as set forth in section 4.
3. The auditing committee shall review and recommend approval of claims for payment before approval by the common council as a whole.
 4. Committee members shall indicate approval by signing or initialing claim forms or a tabulation of claims submitted for Council approval. Such forms or tabulation bearing the signatures or initials of committee members shall constitute the minutes of the committee. If a committee member objects to payment of a claim, he shall raise the objection at the time payment of the claim is presented to the Common Council for a vote.
 5. The auditing committee is not required to meet or act as a body. If the committee meets or acts as a body, such meeting shall be held at an open public meeting of the Common Council, or at a public meeting which has been duly noticed in accordance with the Open Meetings Law.
 6. This resolution supersedes all previous resolutions, including the Common Council's resolution of 4/30/1998.

By Councilor Calnon; Seconded by Councilor Jackson
Discussion:

Councilor Calnon said couple of questions. John kind of directed at you. My recollection is the 1998 resolution that we're talking about was passed as a revision to the Common Council's operating rules, I guess my question is, is this an issue we should revisit each organizational meeting for clarity.

Corporation Counsel John Clute said I don't think we really have to. I think once you adopt this it pretty much establishes how this committee is going to function in the future. Normally at an organizational meeting the reason you have them annually is you appoint people or restructure committees. The way this is set up and I think the way it's always operated is that it is every 3 members so there isn't really an appointment function that has to occur. I think the short answer to the question is maybe this suffices.

Councilor Jackson said that kind of leads to my question. When they adopted this thing in 2003 or whatever it was, that was only binding on that Council.

Corporation Counsel John Clute said it remains in effect until it's changed or superseded. But, its not law, its not ordinance, it's just a statement of policy and kind of an internal explanation of what your understanding of the Auditing committee is and how it should function.

Councilor Calnon said the root of it is that there is mention of the Auditing committee in the charter that would be the law part of this.

Corporation Counsel John Clute said right that is what lead us to believe that we needed one, but it said very little.

Councilor Calnon said it just mentioned one it doesn't really define it and this defines how we wish to use that. My other question is about #3: it says the Auditing committee shall review and recommend approval of claims for payment before approval by the common council. We have as a matter of course been approving bills but my reading in the charter doesn't require us to, if I'm right in that regard, this doesn't require us to do that in the future, does it?

Corporation Counsel John Clute said I think that the way this has operated in the past as I understand it is that 3 of you take a hard look or at least you actually look at the bills that are presented for payment. We have the one item that is standard item on the agenda where there is a total amount of claims that are authorized for payment. But, my understanding is the way that it has always operated in the past and which as far as I know has not changed, is that three of you take the opportunity or the time before the meeting to look at these things and say they ok they look ok to me and you indicate your approval by signing or initial.

Councilor Calnon said I guess my question is if there is no compelling reason for us to approve the bills as the whole body, this would not independently require us to the way it's included here. It's a good practice I think.

Corporation Counsel John Clute said I think it does. I think that the Common Council as a whole does have the power and responsibility to actually approve the amount that you have on the front of the agenda. Am I misunderstanding what you are saying? I mean I don't think that 3 members of you can by committee approve the payment of a \$10 million MLD bill.

Councilor Calnon said no but once the Council approves the contract or an obligation the actual processing of it think 3 of us can do. I suppose if this does create a problem, this relates back to my earlier discussion about whether we have weekly meetings or if this a possibility bi-weekly and so could bills be paid in the off week if the Auditing Committee did function. If nothing else we could revisit it when I bring that item back.

Councilor Rabideau said I don't have a question but I'd just like to mention something that occurred since we have our new City Chamberlain. It relates to signing the vouchers in a strong way. When we started with our new City Chamberlain he came out with extra sheets which we all receive and as you know the vouchers are about this thick and somebody watching us might think that wow how are they going through those vouchers. But, highlighted on our sheet are those vouchers that have a major impact on the budget they're listed for us. Their listed first as City vouchers Chamberlain has, each department has, MLD is listed and itemized for us. The payroll is listed showing us past payrolls versus year to date so forth. So when you see us going through the stack and the three people who sign are using this as a checklist. Many times, almost every time, every time, I shouldn't say almost, I have to be exact, I go through the list and sometimes when I get home I'll call the Chamberlain on something on this list and say can I get further clarification. I know what it is but sometimes I'll just call him and say does this pertain to this intersection or which intersection. Why are we purchasing. I could ask him the same night. I see it as an expense that is there that is by the department head, it is budgeted. Everything on here has already been approved am I right, Mr. Calnon.

Councilor Calnon said I agree.

Councilor Rabideau said by the budget.

Councilor Calnon said I agree.

Councilor Rabideau said and all we're doing is looking at what was approved by the budget at the beginning of the year. We are looking at this checklist as an easier way to look at the vouchers. Every person here gets the checklist, including people that are not looking at the vouchers that week. So we can bring them home and we can discuss and we can bring up a question if you have it. It's already budgeted though not something new. So just to clarify what you see versus what's actually happening. As you go down through the check lists, I check the amounts going through and I'm sure other people do to when they go through the vouchers. Sometimes if I want to look at something I pull a specific voucher. But this pretty well covers this. I really have to say that this been an improvement over past years by our City Chamberlain which we didn't have before and you had to go manually through and I'd just like to point that out.

Mayor Kasprzak said you are right, George, that's an improving financial tool that we have implemented with Richard's help obviously. The other thing that I am very proud of is the fact that when I got here there was never any weekly report that we all receive now every Friday on all our accounts what is in them and obviously we can go back to 2007 when we received them to see exactly the good times, the bad times. Maybe, the improvement in many of these funds that we have to show the tough and difficult decisions we've made have been very successful in turning the city around. So those are all good things we have implemented. It's more work for Richard, unfortunately, but it gives us a snap shot every week of what we're looking at, what we're paying for and what we should be aware of.

Councilor Rabideau said and also let's say it's something like travel expenses and someone went on a trip and they have travel expenses and there is a voucher in there that has to do with someone going on a trip for training and so forth. Our Chamberlain, before it even gets here, is going to insure that number one; that was properly spent, he is going to check to make sure that the receipts and so forth are attached and done in proper form with the city policy, believe me, otherwise they won't get paid.

Councilor Jackson said going back to **Councilor Calnon's** original question. I actually would like to see this as part of the organizational meeting.

Mayor Kasprzak said I have no problem with that.

Councilor Calnon said the other thing I was thinking about is. There's a whole bunch of things that we don't, I guess one of the reasons why this resolution is necessary is over time things get a little fuzzy. You know, why somebody does something the particular way they do it. When Beth prepares an agenda, she takes the one from last week and makes some changes to it and so we are really living with the agenda format that was created maybe 20 years ago. And sometimes when that happens things get a little slightly off course. Certainly no ill intent no danger to the public but things just get a little fuzzy. Some of those things we should revisit very consciously each year. There are some things in our organizational for example the order of the meetings for example. It doesn't ever change much but we look at it every year and in fact since I've been here we did make a couple changes and

I think those were positive ones. But most times it's just reaffirming some of the things that are out there. I think that one of the other things we probably need to do is we probably need to do almost like, we have some conversations about an employee handbooks, there ought to also be a Councilor handbook. It ought to include every piece of information, every foundational document that the company has. So that when you are new on the job you get a copy of the charter, you get a copy of some substantial rules and I think this might be the kind of thing that should go in to that kind of a handbook so that it's there and it's something that we all have in our possession and that obviously anyone can look at because then things won't get fuzzy. We won't say wait a minute, there's something about this, who of us was here in 1998, well none of us around this table. So maybe we will take a look at let's find the document and maybe if we've already got it, it makes life a whole lot easier. I think that probably might be a better place for it, I think John's right we don't need to include every decision in those meetings but I think we ought to pay homage to a handbook of the rules and regulations of being a Councilor, what are our constraints and those things ought to be out there. So I'm kind of suggesting that as an approach. I have actually done a little bit work to put together the beginnings of one.

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Assessor Derek Rosenbaum to attend the "Fundamentals of Assessment Administration" in Raybrook, NY from April 18 - 25, 2011 at an estimated cost not to exceed \$240.

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves a Police Officer to attend the "2011 Spring Training Conference for the Law Enforcement Training Directors Association" in Lake Placid, NY from May 18 -20, 2011 at an estimated cost not to exceed \$325.38 and will be paid out of the Asset Forfeiture Fund (Travel/Training Expense).

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves a Detective to attend the “2011 New York State Police Sex Offense Seminar” in Albany, NY from May 23 -27, 2011 at an estimated cost not to exceed \$1,133.24 and will be paid out of the Asset Forfeiture Fund (Travel/Training Expense).

By Councilor Calnon; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Center for Women’s Concerns, 101 Broad Street to have a “Take Back the Night” Event and March on Friday, April 15, 2011 from 9:30 pm to 10:30 pm, marching down Brinkerhoff Street onto Margaret Street and back up Broad Street.
2. Request from the Community Development Office that Project Main St. BIP #14-2008 (62-66 Margaret Street – Woo) be awarded to Martin Bouchard Construction for the contract amount of \$82,000. This project will be funded by the 2008 NYS Main Street program.
3. Clinton County Compost Facility Property. 1. SEQR review of transfer; 2. Resolution accepting deed to property, agreeing to name change and holding County harmless from past federal grant assistance recapture claims.

10. NEW BUSINESS:

Mayor Kasprzak said we will be holding a work session Tuesday at 5 pm to discuss item #3 under initial.

Corporation Counsel John Clute said actually it’s not item #3 its kind of a separate thing. Really what it is it’s a SEQR review that’s being conducted in connection with these permit modification applications pending before DEC. You may recall the City’s the lead agency; the Town of Plattsburgh’s actually an involved agency in that process and as lead agency the Common Council has to read, digest, review, discuss and ultimately determine whether or not the action that would follow from the permit modification would have a significant adverse environmental impact. So that’s really what that had to do with, it’s a separate SEQR thing from what is really a fairly simple and almost a pro forma SEQR determination of the actual transfer of the land.

Mayor Kasprzak said we were named the lead agency?

Corporation Counsel John Clute said the one that were doing on the land transfer because it’s a type 2 action it’s what’s called an uncoordinated review so each person that’s an agency involved can make their

own determination so we're just making our own.

Mayor Kasprzak announced a Public Hearing on April 7, 2011 at 5 pm in the Common Council Chambers. The city will describe the Community Development Block Grant program and will seek public input on the proposed 2011 CDBG application.

Mayor Kasprzak said you had mentioned a moratorium did we need to tonight to mention a public hearing.

Corporation Counsel John Clute said there has been some chatter about digital electronic billboards. And there have been a couple of applications recently for these things in the city and because they are technologically fairly new inventions and capable of much more than a painted sign is, there some concern at the Zoning Board level as to whether or not our laws are adequate to the task of properly regulating these things and probably aren't so they had asked if we'd just consider just adopting a moratorium while they kind of studied the implications of digital sign proliferation and get back to us in a fairly brief period of time with some recommendations as to how we might revise on that topic. I did draft a moratorium law. Let me get it to you tomorrow.

Mayor Kasprzak said ok get it to us and then we can schedule a public hearing.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:56 pm